

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chin-Long Lin et al.

Title: METHOD FOR DETERMINING DISPLAY ORDER OF VOPS IN DECODER
END OF MPEG IMAGE SYSTEM AND DEVICE FOR EXECUTING THE SAME

App. No.: 10/614,409 Filed: July 4, 2003

Examiner: LEE, Y Young Group Art Unit: 2621

Atty. Dkt. No.: 1087-PROT005012

MS: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Dear Sir:

This petition is in response to a Notice of Abandonment mailed on July 1, 2008 in the above-identified Application. This Petition is filed within two (2) months of receipt of the Notice of Abandonment. A response to the Office Action mailed November 30, 2006 is filed herewith.

BACKGROUND

As shown in the Image File Wrapper index available via the Patent Application Information Retrieval (PAIR) system, attached at Exhibit A, a petition to Withdraw as Attorney or Agent and Change of Correspondence Address was filed January 26, 2006. A Petition Decision related to the Petition was mailed on July 31, 2006. The Petition Decision, attached at Exhibit B, indicates that the Petition was not approved. The Petition Decision indicates that a copy of the Petition Decision was mailed to:

Jeff Tolar
Tolar Larson & Abel LLP
5000 Plaza On The Lake
Suite 265
Austin, TX 78746

The Image File Wrapper also indicates that a Non-Final Office Action was mailed on November 30, 2006 ("the Office Action") and that a Notice of Abandonment was mailed on July 1, 2008. The Notice of Abandonment indicates that the Application was abandoned for failure to timely file a proper reply to the Office Action.

REMARKS

Applicants hereby petition the Commissioner to revive the Application under 37 C.F.R. 1.137(b) as being unintentionally abandoned. Applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Specifically, the entire delay in responding to the Office Action was unintentional since the Applicants' representative never received the Petition Decision or the Office Action and there was no intent to abandon the Application.

A Declaration from Jeffrey Toler, who had Power of Attorney from the Assignee of record of the entire interest of the Application when the Office Action was mailed, is attached at Exhibit C. The Declaration states that Mr. Toler did not receive the Petition Decision or the Office Action. *Declaration*, ¶¶2 and 4. The Declaration introduces the docket records of Mr. Toler's firm for the Application, attached at Exhibit D, and the docket records indicate that the Petition Decision and the Office Action were not received. *Declaration*, ¶¶ 3 and 5.

Further, the Declaration states that Mr. Toler only became aware that the Application was abandoned upon receipt of the Notice of Abandonment mailed July 1, 2008. *Declaration*, ¶6. Additionally, the Declaration states that there was no intention to abandon the Application. *Declaration*, ¶7.

The Declaration and the file records available through the USPTO PAIR system show that the delay in discovering the abandoned status of the Application occurred despite the exercise of due care and diligence on the part of the Applicants and Mr. Toler. In particular, the Bibliographic Data available via the PAIR system, attached at Exhibit E, shows that the status of the Application was updated to show the Application as abandoned on June 23, 2008. Since the Bibliographic Data available via the PAIR system did not indicate that the Application was abandoned, no Notice of Abandonment had been sent by the Patent Office, and the Office Action had not been received, Mr.

Toler had no reason to believe that the Application had been abandoned and exercised due care and diligence to prosecute the Application.

The evidence available via the PAIR system in combination with the Declaration from Mr. Toler demonstrate that the Application was abandoned unintentionally. Through no fault of the Applicants, the Assignee or Mr. Toler, the Petition Decision and the Office Action were not received. Further, the entire period of the delay in responding to the Office Action was unintentional and was despite the due care and diligence of Mr. Toler. Additionally, Applicants have been diligent since becoming aware that the Application was abandoned and have used due care and diligence to petition the Office to revive the Application. Accordingly, Applicants hereby request that the Application be revived as unintentionally abandoned.

Conclusion

Applicants respectfully request revival of the Application as unintentionally abandoned.

If a call would in any way facilitate revival of this Application, the Office is invited to contact the undersigned Attorney.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

8/18/2008
Date

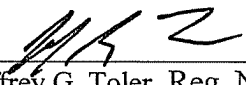

Jeffrey G. Toler, Reg. No. 38,342
Toler Law Group
8500 Bluffstone Cove, Suite A201
Austin, TX 78759
(512) 327-5515(phone)
(512) 327-5575 (fax)

EXHIBIT A

10/6/14, 409 Method for determining display order of VOPs in decoder end of MPEG image system and device for executing the same 07-24-2008::12:43:09

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Abandonment	Document Description	Document Category	Page Count
07-01-2008	ABN	Abandonment		PROSECUTION	2
06-13-2007	CTMS	Miscellaneous Action with SSP		PROSECUTION	2
06-06-2007	PA..	Power of Attorney		PROSECUTION	6
06-06-2007	N417	EFS Acknowledgment Receipt		PROSECUTION	2
11-30-2006	CTNF	Non-Final Rejection		PROSECUTION	7
11-30-2006	892	List of references cited by examiner		PROSECUTION	1
11-30-2006	FWCLM	Index of Claims		PROSECUTION	1
11-30-2006	SREWF	Search Information Including classification, databases and other search related notes		PROSECUTION	1
07-31-2006	PETDEC	Petition Decision		PROSECUTION	2
01-26-2006	PET.OP	Petition for review by the Office of Petitions.		PROSECUTION	2
02-13-2004	PA..	Power of Attorney		PROSECUTION	1
07-04-2003	TRNA	Transmittal of New Application		PROSECUTION	3
07-04-2003	SPEC	Specification		PROSECUTION	16
07-04-2003	CLM	Claims		PROSECUTION	6
07-04-2003	ABST	Abstract		PROSECUTION	1
07-04-2003	DRW	Drawings-only black and white line drawings		PROSECUTION	4
07-04-2003	OATH	Oath or Declaration filed		PROSECUTION	2
07-04-2003	WFEE	Fee Worksheet (PTO-06)		PROSECUTION	1
07-04-2003	WFEE	Fee Worksheet (PTO-06)		PROSECUTION	1

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EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ya-Chiao Chang
c/o BAKER & McKENZIE
15F, No. 168 Tun Hwa North Road
Taipei 105 TW TAIWAN

COPY MAILED

JUL 31 2006

OFFICE OF PETITIONS

In re Application of	:	
Chin-Long Lin	:	
Application No. 10/614,409	:	DECISION ON PETITION
Filed: July 4, 2003	:	TO WITHDRAW
Attorney Docket No. 68146241-0245012(005012)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2006.


The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.


Denise Pothier
Petitions Examiner
Office of Petitions

cc: Jeff Tolar
Tolar Larson & Abel LLP
5000 Plaza On The Lake
Suite 265
Austin, TX 78746

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chin-Long Lin et al.

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**DECLARATION OF JEFFREY G. TOLER IN SUPPORT OF PETITION TO
REVIVE U.S. PATENT APPLICATION NO. 10/614,409**

1. I am the attorney of record for U.S. Patent Application 10/614,409.
2. I did not receive the Petition Decision indicated by the Patent Application Information Retrieval (PAIR) system to have been mailed to me on July 31, 2006.
3. The docket records of my firm for this Application are attached at Exhibit D. It is and was the firm's normal practice to docket receipt of correspondence from the U.S. Patent and Trademark Office; hence, absence of an entry indicating that the Petition Decision was received is an indication that the Petition Decision was not received.
4. I did not receive the Office Action indicated by the PAIR system to have been mailed on November 30, 2006.
5. The docket records of my firm for this Application are attached at Exhibit D. It is and was the firm's normal practice to docket receipt of correspondence from the

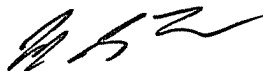
U.S. Patent and Trademark Office; hence, absence of an entry indicating that the Office Action was received is an indication that the Office Action was not received.

6. I only became aware that the Application was held abandoned upon receipt of the Notice of Abandonment mailed July 1, 2008.
7. The Application was not intentionally abandoned.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Declarant: Jeffrey G. Toler

Declarant's Signature:



Date: 8/18/2008

Mailing Address:

8500 Bluffstone Cove, Suite A201
Austin, TX 78759

EXHIBIT D

Diary Dates																																																																			
File No	1087-PROT005012		Application	10/614,409	04Jul2003	Label																																																													
Country	US United States of America		Patent			Label																																																													
Case Type	NAT National Patent		Client	Freescale Semiconductor, Inc.																																																															
Status	PEN Pending		Owner	Sigmatel Inc.																																																															
<input type="checkbox"/> CPA Reportable		Short Title	METHOD FOR DETERMINING DISPLAY ORDER OF VOPS IN			Case Ref	2549																																																												
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Diary Details																																																																			

EXHIBIT E

10/614,409		Method for determining display order of VOPs in decoder end of MPEG image system and device for executing the same		07-24-2008::12:50:22	
Bibliographic Data					
Application Number:		10/614,409		Customer Number: 60533	
Filing or 371 (c) Date:		07-04-2003		Status: Abandoned --- Failure to Respond to an Office Action	
Application Type:		Utility		Status Date: 06-23-2008	
Examiner Name:		<u>LEE, Y YOUNG</u>		Location: ELECTRONIC	
Group Art Unit:		2621		Location Date: -	
Confirmation Number:		5928		Earliest Publication No: US 2005-0002459 A1	
Attorney Docket Number:		1087-PROT005012		Earliest Publication Date: 01-06-2005	
Class / Subclass:		375/240.250		Patent Number: -	
First Named Inventor:		Chin-Long Lin , San Jose, CA		Issue Date of Patent: -	
Title of Invention:		Method for determining display order of VOPs In decoder end of MPEG image system and device for executing the same			
Close Window					